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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,127	10/07/2005	Yasumaro Komiya	ASA-1236	4829
24956 7590 11/15/2007 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			EXAMINER NGUYEN, VINCENT Q	
			ART UNIT 2858	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,127

Applicant(s)

KOMIYA ET AL.

Examiner

Vincent Q. Nguyen

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 2/23/07, 11/2/05, 4/29/05.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claim 14 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/22/2007. The Election/Restrictions requirement is thus made FINAL.

Objections

2. Claims 1-13, 15-17 are objected to because the claims should be complied with 37 CFR 1.75. In particular, the claims should:

“(1) A preamble comprising a general description of all the elements or steps of the claimed combination which are conventional or known,

(2) A phrase such as “wherein the improvement comprises,” and

(3) Those elements, steps, and/or relationships which constitute that portion of the claimed combination which the applicant considers as the new or improved portion...”

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5-8, 10-13, 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujii et al. (US 2002/0135390 A1).

With respect to claims 1, 5, 6, 8, 10, 11, Fujii et al. discloses a device comprising circuit (100) (Figure 2) characterized in that a presence/absence of a defect is detected by irradiating an electromagnetic field from a probe (Para 146) and detecting a power supply current variation (By element 1).

With respect to claims 2, 15, 17, Fujii et al. discloses a device comprising integrated circuit (100) characterized in that a presence/absence of a defect is detected by irradiating an electromagnetic field from a probe (Para. 146) and detecting a voltage variation (By element 1) (The "or" reads on alternative exclusive embodiments).

With respect to claims 3, 7, Fujii et al. discloses said voltage variation is detected by activating an open gate (Gate) (Element 12a, figure 5).

With respect to claims 12, 13, Fujii et al. discloses a defect portion is determined by mutually referring to position information on the probe and design information on a chip (Para. 50, 98, 136, 161).

5. Claims 1, 2, 5, 6, 10, 11, 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hiroki (US 2001/0048110A1).

With respect to claims 1, 5, 6, 8, 10, 11, Hiroki discloses a device comprising circuit (102, 103) (Figures 1a-1c) characterized in that a presence/absence of a defect is detected by irradiating an electromagnetic field from a probe (101) and detecting a power supply current variation (By element 107).

With respect to claims 2, 16, 17, Hiroki discloses a device comprising integrated circuit (102, 103) characterized in that a presence/absence of a defect is detected by

irradiating an electromagnetic field from a probe (101) and detecting a voltage variation (By element 107) (The "or" reads on alternative exclusive embodiments).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 9 16, Are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii et al. (US 2002/0135390 A1).

With respect to claims 4, 9, 16, Fujii et al. discloses said voltage variation is detected by exciting the probe (22) with modulation.

The only difference between Fujii et al. and the claimed invention is that the claimed invention recites synchronizing with a signal applied to the probe in place of synchronizing the vertical and horizontal (Vsync, Hsync, Dclk) from computer 21.

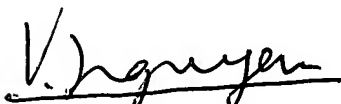
It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the synchronizing with signal applied to the probe (22) instead of synchronizing the vertical and horizontal as taught by Fujii because synchronizing the signal applied to the probe or synchronizing the vertical or horizontal as taught by Fujii et al., the result of the detection does not change.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Q. Nguyen whose telephone number is (571) 272-2234. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


November 5, 2007

Vincent Q. Nguyen
Primary Examiner
Art Unit 2858